IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 7161 OF 2007

Shivaji Dhondiba Sonawane.... Petitioner

versus

The state of Maharashtra & ors..... Respondent.

Mr. S.P.Kadam for the petitioner
Mr. Y.D. Mulani AGP for Respondent nos. 1 and 2.
Mr. S.S. Salunkhe for Respondent no.3.

CORAM; A.P. DESHPANDE, J.
DATED; 26TH SEPTEMBER, 2007

P.C.;

1. Nomination form of the petitioner has been rejected by the Returning Officer on the ground that the petitioner is a defaulter on account of non-payment of additional share capital. The order passed by the Returning Officer/Election Officer has been challenged by filing an appeal and the dismissal of the appeal has given rise to filing of the instant writ petition. Perusal of the election programme declared under Rule 16 of the Maharashtra Specified Co-operative Societies (Elections to Committee) Rules 1971 reveal that all the stages upto the date of publication of the list of valid nomination is over long back and today by 3.00 p.m. the time for withdrawal of the nomination has also expired. It is thus clear that without obstructing the process of

election it is not possible to decide the issues raised in the instant writ petition. Once the process of election commences, the courts cannot obstruct or stop the election process. Hence I decline to interfere with the impugned order and the writ petition is summarily dismissed. However, it is made clear that it shall be open for the petitioner to file election petition before appropriate forum.

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